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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/510,122 08/01/95 AKIYAMA

R 1046.1100/JD

EXAMINER

22M2/0806

ART UNIT 121 P&P NUMBER

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2202

DATE MAILED: 08/06/97

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 5/6/97 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 1, 3, 4, 7, 8 are pending in the application.

Of the above, claims are withdrawn from consideration.

2. ☐ Claims have been cancelled.

3. ☐ Claims are allowed.

4. ☒ Claims 1, 3, 4, 7, 8 are rejected.

5. ☐ Claims are objected to.

6. ☐ Claims are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit: 2202

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1,3,4,7,8 are rejected under 35 U.S.C. § 103 as being unpatentable over Arnold et al in view of Hartman,Jr(newly cited).

Arnold et al(See Figs. 1-3 and col. 77 and 78) disclose a software usage management system including encryption and decoding of software into useable form for an end user and a switch between encrypted and unencrypted sections substantially as claimed. The differences between the above and the claimed invention is input output switchovers as clearly distinct i/o structures. While this appears contemplated in Arnold et al, Hartman,Jr(See Fig. 2) show the different i/o structures


Art Unit: 2202

dependent on encrypted or non-encrypted digital format. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Arnold et al in view of the teaching of Hartman, Jr because it is conventional and standard practice to provide a input output switchovers for computers and they are no more than the conventional equivalents of what is disclosed and intended in the primary items of evidence. The deficiencies of the art with respect to the dependent claims deal with the conventional cryptographic and digital signal protocols.

3. Claims 4 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims have no antecedent basis for "said error management".

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837.

  
SALVATORE CANGIALOSI  
PRIMARY EXAMINER  
ART UNIT 222